United States Department of Agriculture | **Forest Service** | **Region One** | **200 East Broadway P.O. Box 7669 Missoula, MT 59807**

File Code: 1570-1 **Date:** August 29, 2006
Route To: (1570 - 215)

Subject: 215 - ARO Letter - Lil Lyman Salvage and Reforestation DM - Bitterroot NF - Appeal #06-01-00-0054 - WildWest Institute, et al.

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Jeff Juel, on behalf of the WildWest Institute and Alliance for the Wild Rockies, protesting the Lil Lyman Salvage and Reforestation Decision Memo (DM) on the Bitterroot National Forest (Sula Ranger District).

As disclosed in the Decision Memo (DM, p. 1), the project includes site preparation, reforestation, salvage, and limited sanitation harvest activities within nine treatment areas totaling about 247 acres in the Lyman Creek area (T.2N, R.19W, Sections 12, 13, and T.2N, R.18W, Section 18) on the Sula Ranger District of the Bitterroot National Forest.

My review was conducted pursuant to, and in accordance with, 36 CFR 215.19 to ensure the analysis and decision is in compliance with applicable laws, regulations, policy, and orders. The appeal record, including the appellants' objections and recommended changes, has been thoroughly reviewed. Although I may not have listed each specific issue, I have considered all the issues raised in the appeal and believe they are adequately addressed below.

This project decision was made using a category of action that can be excluded from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) as listed in Forest Service Handbook 1909.15, Chapter 30, Section 31.2. As a result, my appeal review will be focused on the use of the category, the review of extraordinary circumstances, and the project's consistency with the Forest Plan and applicable laws and regulations. I have reviewed the appeal and make the following findings:

1. The Lil Lyman Salvage and Reforestation project was categorically excluded from documentation in an EA or EIS because it fits category 31.2 (5) for site preparation and reforestation of the area to native tree species; and 31.2 (13) for salvage and 31.2 (14) for the sanitation treatments to control disease, as described in Forest Service Handbook 1909.15 (July 6, 2004). The project also meets limitations placed on the use of these categories. For example:

- Sanitation and salvage treatments do not exceed 250 acres;
- Less than ½ mile of temporary road would be used;
- Site preparation does not involve the use of herbicides: and
- The reforestation will not result in a vegetation-type conversion.

The categories do allow for the incidental removal of other live trees for temporary roads, landings, and skid trails. I find that the proposed action complies with Chapter 30 of the NEPA Handbook and is excluded from further analysis and documentation in an EIS or EA.

2. The resource specialists on the interdisciplinary team reviewed the proposed action for potential effects on resource conditions and the presence of extraordinary circumstances. The mere presence of one or more resource conditions does not preclude use of a categorical exclusion. It is the degree of the potential effect of a proposed action on these resource conditions that determine whether extraordinary circumstances exist. The appellant did not raise any comments regarding extraordinary circumstances, nor did he allege in his appeal that there were any extraordinary circumstances that warranted further analysis and documentation as per FSH 1909.15, 30.3.

- By definition, categorical exclusions do not individually or cumulatively have significant effects on the human environment (40 CFR 1508.4). The project file provides consistent documentation that the specialists considered cumulative effects prior to determining that there are no extraordinary circumstances related to the proposed action (DATA-2 and NFMA-2, 3 and 6).
- The Decision Memo (Appendix B), Biological Assessment (WILD-13 and FISH-1), Biological Evaluation (WILD-9), and the concurrence letters by the U.S. Fish and Wildlife Service (AGEN-2, 3, 4, 5, 6 and 7) appropriately document effects to federally-listed threatened and endangered species, and sensitive species. Management indicator species are addressed in the Wildlife Report (WILD-9). The wildlife analysis indicates that there are no extraordinary circumstances related to threatened, endangered, or sensitive species as a result of the proposed action.

3. The project file shows the project is consistent with the Forest Plan and applicable laws and regulations:

- Field review of the treatment units indicate that existing soil conditions are within Region 1 Soil Quality Standards (SQS). The proposed salvage and sanitation actions involving winter, ground-based logging and summer skyline yarding logging will result in treatment units being within Region 1 Soil Quality standards. Following proposed operations on any reused skid trails, these areas will be treated to eliminate noxious weeds, ripped or scarified to reduce compaction, seeded and fertilized, and slashed to rehabilitate soil conditions. These rehabilitation activities will improve soil conditions altered from the proposed activities, as well as, past management activities (SOIL-18).
- The project meets Forest-wide snag and old growth standards (CAT-8).

RECOMMENDATION

I have reviewed the record and have found that the decisions and analyses are adequately and appropriately documented in the DM and project file. I recommend the District Ranger's decision be affirmed and the appellants' requested relief be denied.

/s/ David M. Pieper
DAVID M. PIEPER
Appeal Reviewing Officer